



ANNO DECIMO NONO

VICTORIÆ REGINÆ.

Cap. v.

An Act for vesting in the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* the Undertaking of the *Chorley Waterworks Company*, and for other Purposes.

[29th *April* 1856.]

WHEREAS by "The *Chorley Waterworks Act*, 1846," the *Chorley Waterworks Company* (in this Act called "the Company") was incorporated and empowered to construct certain Works for supplying the Inhabitants of the Town and Neighbourhood of *Chorley* in the County of *Lancaster* with Water; and it was enacted that Fifteen thousand Pounds should be the Capital of the Company, and that it should be lawful for the Company to borrow on Mortgage or Bond Sums not exceeding in the whole Five thousand Pounds; and various Provisions were contained in the said Act with respect to the said Works and the Supply with Water of the said Town and Neighbourhood: And whereas by "The *Liverpool Corporation Waterworks Act*, 1847," the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* (in this Act called "the Corporation") were authorized to make and maintain certain Waterworks which would affect and be contiguous to the Works of the Company, and Provisions are contained in the now-reciting Act for the laying down and maintenance by the Corporation of certain Pipes and Works for the Con-

9 & 10 Vict.
c. cclxxxvii.

10 & 11 Vict.
c. cclxi.

[*Local.*]

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*The Chorley Waterworks Transfer Act, 1856.*14 & 15 Vict.
c. lxxvii.

venience of the Company; and it was provided that it should be lawful for the Corporation to enter into any Agreement with the Company for securing to the Company an adequate Supply of Water from the *Anglezark* Reservoir in that Act mentioned, being Part of the Works so authorized to be made by the Corporation, in lieu of laying down such Pipes as aforesaid: And whereas by "The *Chorley Waterworks Act, 1851*," the Company were enabled to raise for the Purposes authorized by the first-recited Act, by the Creation of new Shares, and in addition to the Sums which they had raised under the Powers of that Act, any Sums not exceeding in the whole Twelve thousand Pounds, to be considered as Part of the general Capital, and to borrow on Mortgage or Bond further Sums not exceeding in the whole Three thousand Pounds; and after referring to the said Provisions contained in "The *Liverpool Corporation Waterworks Act, 1847*," with respect to the laying down of Pipes, it is enacted that if no Agreement should be entered into between the Company and the Corporation for securing to the Company a Supply of Water from the *Anglezark* Reservoir it should be lawful for the Corporation to construct all such Works as might be necessary or proper for preventing any Water from passing or percolating from or out of the *Anglezark* Reservoir, provided that when such Works were executed the Water Supply of the Company as granted to them in their former Act was not thereby injured, interrupted, or prevented, and in the event of Disputes arising, the same were to be decided as therein provided: And

13 & 14 Vict.
c. lxxx.

whereas by "The *Liverpool Corporation Waterworks Amendment Act, 1850*," Provision was made for Compensation to be paid by the Corporation to the Company in the Event therein mentioned, and other Provisions are therein contained for the Purpose of defining the relative Rights of the said Parties: And whereas the Company have constructed Works under the said Acts, and have commenced to supply Water under the Provisions thereof: And whereas the paid-up Capital of the Company now amounts to the Sum of Seventeen thousand Pounds, and the Company have raised on Mortgage the Sum of Eight thousand Pounds, and at the Date of the Agreement herein-after referred to were indebted to various other Parties in Sums amounting altogether to the Sum of Ten thousand Pounds and upwards, Part thereof bearing Interest: And whereas the Corporation have constructed the said *Anglezark* Reservoir and other Parts of their Waterworks: And whereas the Works of the Corporation and the Company are contiguous to and partly intersect each other, and in consequence of the conflicting Claims of the Corporation and the Company to certain of the Waters supplying their respective Works, and by reason of the Difficulty which has arisen and may arise in carrying into effect the Provisions of the recited Acts with respect to the Construction and Maintenance of those Works respectively, and of ascertaining the Compensation, if any, to be paid by the Corporation to the Company
under

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under the Provisions of those Acts, or some of them, and the respective Rights of those Parties under those Acts, Disputes and Differences have arisen between the Company and the Corporation; and it being probable that further Disputes and Differences may from Time to Time arise, which can only be conclusively and satisfactorily terminated by placing both Undertakings under one and the same Control and Management, an Agreement, bearing Date the Sixteenth Day of *November* One thousand eight hundred and fifty-five, has been entered into between the Company and the Corporation, for the Transfer to the Corporation of the Undertaking of the Company, subject to the Liabilities created by Act of Parliament, and by any Deed or Deeds entered into by the Company in the Conveyance of Lands or Easements for the Construction of their Works, and to the said Mortgage Debt of Eight thousand Pounds in consideration of the Payment by the Corporation of fixed Annuities or yearly Sums amounting altogether to One thousand and twenty Pounds, and also in consideration of the Payment by the Corporation to the Company, within Ten Days after the Execution of the said Agreement, of the Sum of Ten thousand Pounds, with Interest on Part thereof as therein provided: And whereas the said Sum of Ten thousand Pounds with Interest, as provided by the said Agreement, has been duly paid by the Corporation to the Company, who have applied the same towards the Liquidation of their Debts: And whereas the Mortgages granted by the Company for securing the said Sum of Eight thousand Pounds have been cancelled, and the Corporation have in substitution for the same issued Mortgages to that Amount, charged upon the Account which by "The *Liverpool* Corporation Waterworks Act, 1847," the Corporation are required to keep under the Name of and which in this Act is designated as "the *Liverpool* Water Account:" And whereas the Company are empowered to pay Dividends upon their Share Capital to the Amount of Ten Pounds *per Centum per Annum* before they are required to reduce their Rates or Rents for the Supply of Water within their District (in this Act called "the *Chorley* District"), and the Corporation are not desirous of deriving any Profit from the Supply of Water within that District, but are willing to charge such Rates or Rents only as will be sufficient to meet the annual Expenses connected with the *Chorley* Waterworks (including Interest on Mortgages under this Act, and a Depreciation Fund as herein-after provided), whereby the Amount charged for Water within that District may be considerably reduced; and it would therefore be of Advantage not only to the Inhabitants of the *Chorley* District, but also to the Corporation and the Company, by terminating all Disputes and Differences between them, if the said Agreement were carried into effect, and the Undertaking of the Company were well and effectually vested in the Corporation, upon the Terms provided for in this Act; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty

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Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Short Title.

I. This Act may be cited for any Purpose as “ *The Chorley Waterworks Transfer Act, 1856.*”

The Undertaking vested in Corporation.

II. The Undertaking of the Company, comprehending all the Waterworks, Reservoirs, Streams, Springs, Waters, Mains, Pipes, Apparatus, and other Works and Conveniences thereof, and all the Lands and Buildings, Estates, Rights, Interests, Easements, Privileges, Choses in Action, Deeds, Writings, Goods, Chattels, and Effects (but not the Books of the Company, except their Rent Ledger), and all other Real and Personal and mixed Estate and Effects of or to which the Company at the Time of the passing of this Act shall by virtue of the recited Acts or otherwise howsoever be seised, possessed, or in any way entitled at Law or in Equity or otherwise howsoever, with the Appurtenances ; and all Claims and Demands whatsoever, and all Profits and other Monies arising from the said Undertaking, shall, on the passing of this Act, and subject to the Powers and Provisions thereof, and on the Execution by the Company of a Deed of Conveyance and Transfer under their Corporate Seal to the Corporation of the Undertaking, Estates, Property, and Effects whatsoever of the Company, in which Deed the Consideration both in Money and of the Perpetual Annuities amounting to One thousand and twenty Pounds to be issued and payable to the several Shareholders in the Company in the Manner directed by this Act, shall be fully and truly stated and set forth, and which Deed shall be duly stamped with the full and proper Stamp Duty in respect of such several Considerations respectively, be absolutely vested in the Corporation, but subject to all Charges, Incumbrances, Liabilities, Claims, and Demands whatsoever on the passing of this Act affecting the said Undertaking or the Company in respect thereof.

Conveyances &c. to remain valid.

III. All Conveyances, Leases, Deeds, Appointments, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before the passing of this Act to, with, or in favour of, or by, for, or on behalf of the Company, or any Person on their Behalf, and which shall be subsisting at the Time of the passing of this Act, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the Corporation, and may be proceeded on and enforced in the same Manner to all Intents and Purposes as if the Corporation instead of the Company or such Person had been Party to and executed the same, or had been named or referred to therein, or privy thereto.

IV. Any

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IV. Any Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Company before the passing of this Act, shall not abate or be discontinued or prejudicially affected by this Act, but on the contrary shall continue and take effect both in favour of and against the Corporation, in the same Manner to all Intents and Purposes as the same would have continued and taken effect in favour of and against the Company if this Act had not been passed; and the Court in which any such Action, Suit, Prosecution, or other Proceeding is pending, or any Judge, may, on the Application in a summary Way of any Party thereto, cause the Name of the Corporation to be substituted for the Name of the Company as Party to such Action, Suit, Prosecution, or other Proceeding; and the Name of the Corporation shall, after any such Substitution, be used in such Action, Suit, Prosecution, or other Proceeding, in like Manner as if the Corporation instead of the Company had originally been Party thereto.

Actions, &c.
not to abate.

V. All Rules, Byelaws, Regulations, and Orders made under the Authority and according to the Directions of the recited Acts relating to the Undertaking of the Company, and which were in force immediately before the passing of this Act, shall continue to be in full Force and Effect with reference to the said Undertaking until the same Rules, Byelaws, Regulations, and Orders shall be repealed, altered, or varied by the Corporation under the Powers of the same Acts or of this Act; and the said Rules, Byelaws, Regulations, and Orders, and all Penalties and Forfeitures imposed by the said Byelaws, shall be enforced, recovered, and applied, by or in the Name of the Corporation, in the same Manner in all respects as such Rules, Byelaws, Orders, and Regulations might have been enforced, and such Penalties and Forfeitures might have been recovered and applied by the Company if this Act had not been passed.

Byelaws, &c.
relating to
Company to
remain in
force till
altered.

VI. All Water Rates or Rents which immediately before the passing of this Act, were due and payable or accruing or becoming due and payable to the Company, shall be payable to and may be collected and recovered by the Corporation, in like Manner as the same might have been collected and recovered by the Company if this Act had not passed; and the Corporation shall (after deducting the Expenses incurred in collecting and recovering the same) pay to the Company so much of the Water Rates or Rents collected and recovered by them as had become due and payable prior to the Twenty-ninth Day of *September* One thousand eight hundred and fifty-five, and shall carry the Residue of the Water Rates or Rents so collected and recovered by them to the *Chorley* Water Account.

Water Rates
or Rents due
to be reco-
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VII. All

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Debts due to
and by the
Company to
be paid to
and by the
Corporation.

VII. All Persons who immediately before the passing of this Act owed any Money to the Company, or to any Person on behalf of the Company, shall pay the same with all the Interest (if any) due or to accrue due for the same to the Corporation, and all Debts and Monies which immediately before the passing of this Act were due or owing by or recoverable from the Company, or for the Payment of which the Company were or but for this Act would be liable, shall be paid, with all Interest (if any) due or to accrue due thereon, by or be recoverable from the Corporation: Provided always, that all Monies recoverable by the Corporation under this Enactment, which were due and owing on the Twenty-ninth Day of *September* One thousand eight hundred and fifty-five, shall (after deducting the Costs of recovering the same) be paid by the Corporation to the Company; and all Monies recovered from the Corporation under this Enactment, which were owing by the Company on the Twenty-ninth Day of *September* One thousand eight hundred and fifty-five, shall, together with all Costs and Expenses incurred by the Corporation in respect thereof, be repaid to them by the Company, and in case of Nonpayment thereof on Demand, may be retained by the Corporation out of the Annuities or any other Monies payable by them to the Company, or may be reimbursed to them by rateable Deductions from the Annuities payable under this Act to the Shareholders of the Company.

Corporation
to be subject
to and to
indemnify
Company
against their
Liabilities.

VIII. From and after the passing of this Act the Corporation shall be subject to and shall perform and conform and be liable to all Covenants, Conditions, Agreements, Directions, Duties, Liabilities, Debts, Charges, and Restrictions, including the Obligations of the recited Acts relating to the Company, to which the Company at the Time of the passing of this Act are or but for this Act would be or become subject or liable, and shall indemnify the Company and the several Shareholders thereof, and their respective Heirs, Executors, Administrators, Successors, and Assigns, Estates and Effects from all such Covenants, Conditions, Agreements, Directions, Duties, Liabilities, Debts, Charges, and Restrictions, and all Costs, Charges, and Expenses incurred by reason thereof, or for the Nonperformance or undue Performance thereof respectively.

Things done
or suffered
under re-
cited Acts to
remain valid.

IX. Everything done or suffered under the recited Acts relating to the Company before the passing of this Act shall, except only in so far as otherwise expressly provided by this Act, be as valid as if this Act had not been passed; and the vesting of the Undertaking of the Company in the Corporation, by or under the Provisions of this Act, shall accordingly be subject and without Prejudice to anything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if this Act had not been passed would be incident to or consequent on any and everything so done or suffered; and

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and with respect to all such Rights, Liabilities, Claims, and Demands, the Corporation shall to all Intents and Purposes represent the Company: Provided always, that the Generality of this Enactment shall not be restricted by any other of the Clauses and Provisions of this Act.

X. From and after the passing of this Act the Company shall subsist only for the Purpose of receiving from the Corporation the first Two Years Annuities payable to them as herein-after provided, and also so much of the Water Rates or Rents collected and recovered by the Corporation as shall have become due and payable prior to the Twenty-ninth Day of *September* One thousand eight hundred and fifty-five, and any other Monies recoverable by the Corporation under this Act which were due and owing on the said Twenty-ninth Day of *September* One thousand eight hundred and fifty-five, and of applying such Annuities, Water Rates or Rents, and other Monies respectively in or towards the Discharge of the Liabilities of the Company incurred prior to the said Twenty-ninth Day of *September* One thousand eight hundred and fifty-five, including the Interest on the said Mortgage for Eight thousand Pounds to that Date, and also of dividing the Residue (if any) of the said Annuities, Water Rates or Rents, and other Monies respectively among the several Persons who on the Twenty-ninth Day of *March* One thousand eight hundred and fifty-eight shall be Proprietors of Shares in the Capital of the Company, and their respective Executors, Administrators, and Assigns, in proportion to their respective Interests therein; and upon such Purposes being fulfilled the Directors of the Company shall publish a Certificate to that Effect in the *London Gazette*, and the Company shall thereupon be dissolved.

Company to subsist until certain Purposes fulfilled.

XI. From the passing of this Act "The *Chorley Waterworks Act, 1846,*" and "The *Chorley Waterworks Act, 1851,*" and the several Powers, Provisions, Restrictions, Indemnities, Penalties, Clauses, Matters, and Things therein contained and expressed, so far as the same are unrepealed or in force, and are not by this Act varied or otherwise provided for, shall apply to the Corporation instead of to the Company, as if the Corporation instead of the Company had been named therein, and had originally been authorized to carry the said Acts into execution; and the Corporation, acting by the Council of the said Borough, shall carry the said Acts into execution accordingly, and as if such Acts and this Act were One Act; and the Corporation shall have all the Powers and the like Remedies for the Recovery of any Moneys payable to them under the Provisions of the said Acts and this Act as the Company might under those Provisions have had for the Recovery of such or the like Monies if this Act had not been passed.

Provisions of 9 & 10 Vict. c. cclxxxvii. and 14 & 15 Vict. c. lxxvii. extended to Corporation, and shall be executed by them.

XII. The

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Power to
appoint
Committee
for Execu-
tion of this
Act.

XII. The Council may from Time to Time, if they think fit, appoint a Committee of their own Body for the Execution of this Act, and may delegate to the Committee such of the Powers, Authorities, and Duties of the Corporation under this Act as the Council think fit, and the Acts and Proceedings of the Committee within the Limits of such Delegation shall be deemed the Acts and Proceedings of the Council: Provided always, that the Council may from Time to Time remove any of the Members of any such Committee, and appoint others in their Place, and may from Time to Time make such Regulations as they shall think fit for the Guidance of the Committee: Provided also, that all the Acts and Proceedings of the Committee shall from Time to Time be submitted to the Council for their Approval.

Corporation
may main-
tain Water-
works and
levy Rates
or Rents.

XIII. From and after the passing of this Act the Corporation shall and they are hereby required at all Times thereafter to afford as ample a Supply of Water within the *Chorley* District as the Company would have been bound to afford if this Act had not been passed, and sufficiently to maintain, repair, and use the Waterworks of the Company, and the several Works and Conveniences connected therewith; and the Corporation may levy or receive the Rates or Rents and Sums authorized by "The *Chorley* Waterworks Act, 1846," to be levied and received in respect of the Water supplied within the *Chorley* District.

Rates for
Baths and
Waterclosets.

XIV. Provided always, That the Corporation shall supply Water from the *Chorley* Waterworks for Baths and Waterclosets at the following Rates; (that is to say,)

When the annual Rackrent or Value shall not exceed Ten Pounds, the Sum of Two Shillings and Sixpence *per Annum* for each such Bath or Watercloset:

When the annual Rackrent or Value shall exceed Ten Pounds, but shall not exceed Twenty Pounds, the Sum of Six Shillings *per Annum* for each such Bath or Watercloset:

When the annual Rackrent or Value shall exceed Twenty Pounds, but shall not exceed Forty Pounds, the Sum of Eight Shillings *per Annum* for each such Bath or Watercloset:

When the annual Rackrent or Value shall exceed Forty Pounds, but shall not exceed Eighty Pounds, the Sum of Ten Shillings *per Annum* for each such Bath or Watercloset:

When the annual Rackrent or Value shall exceed Eighty Pounds, the Sum of Twelve Shillings *per Annum* for each such Bath or Watercloset:

Proviso
where more

Provided always, that if there be more than One private Bath or One Watercloset in any such Dwelling House, the Corporation shall not be entitled

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entitled to demand more than the Sum of Four Shillings *per Annum* for every additional Bath or Watercloset: Provided also, that the Corporation shall not be compellable to supply with Water any Watercloset or private Bath, or the Apparatus or Pipes connected therewith, unless the same shall be so constructed and used as to prevent the Waste, Misuse, or undue Consumption of the Water of the Corporation, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Corporation, or into any Pipes connected or communicating therewith, nor any Private Bath which shall be so constructed as to contain when filled for use more than Fifty Gallons of Water.

than One
Bath, &c.

XV. That the Corporation shall from Time to Time, at the Request of the *Chorley* Improvement Commissioners, furnish from the *Chorley* Waterworks such a Supply of Water as they shall require for flushing Sewers or watering Streets, or other sanitary Purposes, at a Sum not exceeding Fourpence *per* Thousand Gallons.

Supply of
Water to
Chorley Im-
provement
Commission-
ers.

XVI. Provided always, That any Person supplied with Water under this Act who shall wilfully waste such Water, or who shall use or apply such Water for any other Purpose than the Purpose agreed upon, or who shall permit or suffer any other Person to use, take, or waste any such Water, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, and shall, in addition to such Penalty, make full Compensation to the Corporation for or in respect of the Water so used, taken, wasted, or misapplied; and any Justice authorized to impose such Penalty as herein-after mentioned is hereby empowered and required to determine and certify the Amount of such Compensation, which Amount the Corporation may recover in like Manner as Charges for Water supplied by them may be recovered.

Penalty for
Waste or im-
proper Ap-
plication of
Water, and
Recovery of
Damages oc-
casioned by
the Waste or
Misuse of
Water.

XVII. The Corporation may let for Hire any Meters or Instruments for ascertaining the Quantity of Water consumed or supplied, and any Fittings for the Conveyance of such Water, for such Remuneration in Money as shall be agreed upon between the Corporation and any Person to whom the same may be so let, and such Remuneration shall be recoverable in the same Manner as the Rents or Sums due to the Corporation for Water; and such Meters and Fittings, so long as they remain the Property of the Corporation, shall not be subject to Distress for Rent of the Premises where the same may be used, nor to be taken in execution under any Process of a Court of Law or Equity or any Fiat in Bankruptcy against any Person in whose Possession the same may be.

Corporation
may let for
Hire Meters.

XVIII. The Clerk, Engineer, or other Officer of the Corporation may at all reasonable Times enter any House, Building, or Premises
[Local.] M supplied

Powers to
Corporation
for ascer-

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taining
Quantity
consumed
by Meter.

supplied by the Corporation in manner lastly herein-before mentioned, in order to inspect the Meters, Instruments, Fittings, and Works for regulating the Supply of Water, and for the Purpose of ascertaining the Quantity of Water consumed or supplied; and if any Person hinder such Officer as aforesaid from entering and making such Inspection as aforesaid at any reasonable Time, he shall for every such Offence forfeit to the Corporation a Sum not exceeding Five Pounds.

Power to
take away
Meters, &c.

XIX. It shall be lawful for the Corporation, by their Officers or Servants, from Time to Time to enter any House, Building, or Premises for the Purpose of removing and carrying away any Meter, Instrument, Pipes, Fittings, or other Works the Property of the Corporation.

Penalty for
extending or
enlarging
Pipes of Cor-
poration.

XX. Provided always, That any Person who shall without the Knowledge and Consent of the Corporation extend or enlarge any Pipe, or use other Means or Device for the Purpose of supplying any other Person or any Tenement with Water from the Works of the Corporation, shall forfeit and pay a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Offence shall be continued.

Corporation
to keep sepa-
rate Account
for Chorley
Waterworks.

XXI. The Corporation shall keep a distinct Account, to be called "The *Chorley Water Account*," of all their Receipts, Credits, Payments, and Liabilities with respect to the Execution of this Act; and such Account shall be made up and balanced half-yearly, in the Months of *February* and *August*.

Rates, &c.
received by
Corporation
under Acts
of 1846 and
1851, to be
carried to
Chorley Wa-
ter Account.

XXII. All Rates or Rents and other Monies from Time to Time received by or for the Corporation, under the Authority of "The *Chorley Waterworks Act, 1846*," "The *Chorley Waterworks Act, 1851*," or this Act, shall be paid to the Treasurer of the *Liverpool Water Account*, and shall be carried by him to the Credit of the *Chorley Water Account*.

Application
of Chorley
Water Ac-
count.

XXIII. The *Chorley Water Account* shall be applied in the first instance in Payment of the annual Charges of maintaining, managing, and regulating the *Chorley Waterworks*; next in Payment of the Annuities in this Act mentioned, and afterwards in Payment of the Interest on any Mortgages under this Act, and then in providing for the Depreciation Fund as herein-after mentioned; and in case any Surplus shall remain after those Purposes are satisfied, that Surplus shall be paid to the Treasurer of the *Liverpool Water Account*, and shall be carried by him to the *Chorley Depreciation Fund* in this Act mentioned.

XXIV. In

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XXIV. In case the *Chorley* Water Account shall in any Half Year prove insufficient (after Payment of the prior Charges thereon by this Act provided) to pay the whole of the said Annuities, the Deficiency shall (subject to the Payment of the Interest, if any, then due on any Mortgages on the *Liverpool* Water Account subsisting at the Time of the passing of this Act) be charged on and paid out of the *Liverpool* Water Account.

In case *Chorley* Water Account insufficient to pay Annuities, Deficiency to be made good out of "Liverpool Water Account."

XXV. It shall be lawful for the Corporation, and they are hereby required, to set apart from and out of any surplus Monies appearing upon each half-yearly Balance of the said *Chorley* Water Account (after Payment of all prior Charges thereon), a Sum not exceeding Ten Shillings *per Centum* upon the Amount raised and expended for the Purposes of the *Chorley* Waterworks, and the Sum so set apart shall be carried to an Account to be called "The *Chorley* Depreciation Fund," and such Depreciation Fund shall be from Time to Time applicable first to the Restoration and Improvement of the *Chorley* Waterworks, next to the Repayment of any Sums which may have been paid under this Act out of the *Liverpool* Water Account, and next to the Redemption of Mortgages under this Act, and to no other Purpose whatsoever.

Corporation to establish a Depreciation Fund.

XXVI. In consideration of the Undertaking of the Company being vested in the Corporation, the Corporation shall pay to the Company for the Period of Two Years, to be computed from the Twenty-ninth Day of *March* One thousand eight hundred and fifty-six, an Annuity or yearly Sum of One thousand and twenty Pounds, and thereafter shall pay to the Shareholders in the Company, their Successors, Executors, Administrators, and Assigns, perpetual Annuities to the aggregate Amount of One thousand and twenty Pounds.

Corporation to pay Annuities to Company.

XXVII. The Receipt of the Chairman and any Two Directors of the Company for the Time being for any Annuity payable to the Company under this Act, or any Part thereof, shall be a good and sufficient Discharge to the Corporation for all such Sum or Sums of Money as shall in any such Receipt be expressed to be received; and the Corporation shall not be obliged or concerned to see to the Application of the said Sum or Sums, or be otherwise answerable or accountable for any Loss, Misapplication, or Nonapplication of the same, or of any Part thereof.

Receipt of Chairman and Two Directors, &c. of the Company a good Discharge.

XXVIII. The Company shall, within Seven Days after the Twenty-ninth Day of *March* One thousand eight hundred and fifty-eight, deliver to the Corporation a List of the Names and Addresses, as appearing in the Share Register of the Company, of the Corporations and Persons who on the said Twenty-ninth Day of *March* One thousand

Company to deliver to Corporation a List of their Shareholders.

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sand eight hundred and fifty-eight were Shareholders in the Company, with a Statement of the Amount paid by the respective Shareholders upon or in respect of their Shares therein; and such List and Statement shall as between the Corporation and the Shareholders be considered conclusive Evidence as to the Parties who on the said Twenty-ninth Day of *March* One thousand eight hundred and fifty-eight were the Shareholders in the Company, and of the Amount paid by them upon their respective Shares.

Notice of this Act to be given to Shareholders in the Company.

XXIX. Within Fourteen Days after the Receipt of such List and Statement as aforesaid, the Corporation shall give a printed Notice of this Act to every Corporation and Person whose Name shall appear in the List of Shareholders so to be delivered to them by the Company as aforesaid, and such Notice shall state concisely the Provisions of this Act affecting the Shareholders, and every such Notice shall be signed by the Town Clerk or his Deputy; and such Notices shall be sent by the Post as Letters addressed to the Shareholders, according to their respective Addresses in the List so to be delivered by the Company to the Corporation as aforesaid.

Annuities to vest in Shareholders in proportion to Amount of paid-up Capital.

XXX. On the said Twenty-ninth Day of *March* One thousand eight hundred and fifty-eight the Annuities shall vest in and belong to the several Parties who shall on the said Twenty-ninth Day of *March* One thousand eight hundred and fifty-eight be Shareholders in the Company, and shall vest in and belong to them respectively in the Proportion which the total Amount paid by them respectively upon their Shares shall bear to the Sum of Seventeen thousand Pounds, the total paid-up Capital of the Company.

Annuities to represent Shares in Company.

XXXI. The Annuities shall in all respects, both at Law and in Equity, be substituted for and represent the Shares in the Capital of the Company; and the several Parties in whom the Annuities shall become vested under this Act shall be possessed thereof respectively upon the same Trusts, and subject to the same Powers, Provisions, Charges, and Liabilities as those upon and to which their respective Shares in the Capital of the Company were on the said Twenty-ninth Day of *March* One thousand eight hundred and fifty-eight held and subject; and the Annuities shall accordingly pass or be affected by any Will or any other Instrument disposing of or affecting such Shares.

Register of Annuitants.

XXXII. The Corporation shall, from and after the said Twenty-ninth Day of *March* One thousand eight hundred and fifty-eight, keep a Book, to be called "The Register of *Chorley* Waterworks Annuitants," and in such Book shall be fairly and distinctly entered from Time to Time the Names of the several Corporations, and the Names and Additions and Addresses of the several Persons respectively entitled

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entitled to Annuities under this Act, together with the Amount of the Annuities to which such Annuitants shall be respectively entitled, and the Surnames or Corporate Names of the said Annuitants shall be placed in alphabetical Order; and every Annuitant, and if such Annuitant be a Corporation, the Clerk or Agent of such Corporation, may at all convenient Times peruse such Book *gratis*, and may require a Copy thereof, or of any Part thereof, and for every Hundred Words so required to be copied the Corporation may demand a Sum not exceeding Sixpence.

XXXIII. After the Expiration of Six Weeks from the said Twentieth Day of *March* One thousand eight hundred and fifty-eight, the Corporation shall, at their own Expense, issue to every Party in whom any Annuity shall become vested under this Act, or to his Successors, Executors, Administrators, or Assigns, on Demand in Writing made by him or them of the Corporation, and on Delivery by him or them to the Corporation of the Certificate of the Shares in the Capital of the Company for which the Annuity is substituted, a Certificate of the Annuity, and such Certificate may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Certificates of Annuities to be issued to the Annuitants.

XXXIV. The Certificate of any Annuity shall be admitted in all Courts as *prima facie* Evidence of the Title of the Holder thereof, his Executors, Administrators, Successors, or Assigns, to the Annuity therein specified; nevertheless the Want of such Certificate shall not prevent the Party for the Time being entitled to any such Annuity from disposing thereof.

Certificates to be Evidence.

XXXV. Provided always, That if any Certificate of a Share in the Capital of the Company be lost or destroyed, then, on satisfactory Proof thereof to the Corporation, they shall issue to the Party entitled to the Certificate so lost or destroyed a Certificate of the Annuity substituted for that Share.

Provision in case of Loss of Certificates of Shares in Company.

XXXVI. If at any Time an Annuitant be desirous of having several Certificates instead of One, then, on any such Certificate being produced to the Corporation, they may order the same to be cancelled, and shall thereupon issue to him, as he requires, Two or more Certificates of Annuities of the aggregate Amount of the Annuity the Certificate for which is so cancelled; and in every such Case a due Entry of the substituted Certificates shall be made by the Corporation in the Register of *Chorley Waterworks Annuitants*; and for every such substituted Certificate the Corporation may demand any Sum not exceeding Two Shillings and Sixpence.

Several Certificates may be granted to One Annuitant.

XXXVII. If the Certificate of any Annuity be worn out or damaged, then upon the same being produced to the Corporation they may
 [Local.] N order

Certificates to be renewed when destroyed.

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order it to be cancelled, and thereupon the Corporation shall issue a similar Certificate to the Party then entitled to the Certificate so worn out or damaged; or if any such Certificate be lost or destroyed, then upon satisfactory Proof thereof to the Corporation they shall issue a similar Certificate to the Party then entitled to the Certificate so lost or destroyed; and in either Case a due Entry of the substituted Certificate shall be made by the Corporation in the said Register of Annuitants; and for every such substituted Certificate the Corporation may demand any Sum not exceeding Two Shillings and Sixpence.

Annuities to be Personal Estate.

XXXVIII. The Annuities shall be Personal Estate, and transmissible as such, and shall not be of the Nature of Real Estate.

Transfer of Annuities to be by Deed duly stamped.

XXXIX. Subject to the Regulations herein contained, every Annuitant may sell and transfer all or any Part of his Annuity; and every such Transfer shall be by Deed duly stamped, and in which the Consideration shall be truly stated; and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Transfer of Annuities to be registered, &c.

XL. Every such Deed of Transfer (when duly executed) shall be delivered to the Corporation, and be kept by them; and they shall keep a Book, to be called "The Register of Transfers of *Chorley Waterworks Annuities*," and they shall enter a Memorial of every such Deed of Transfer in that Book, and shall indorse such Entry on the Deed of Transfer (such Indorsement to be signed by the Town Clerk or his Deputy), and shall on Demand deliver a new Certificate to the Purchaser; and for every such Entry of a Deed of Transfer with such Indorsement and Certificate the Corporation may demand any Sum not exceeding Two Shillings and Sixpence; and on the Request of any Transferee an Indorsement of the Transfer to him shall be made on the Certificate of the Annuity transferred, instead of a new Certificate being granted; and such Indorsement, being signed by the Town Clerk or his Deputy, shall be considered in every respect the same as a new Certificate; and, until such Deed of Transfer be so delivered to the Corporation, the Transferee shall not be entitled to receive any Part of the Annuity transferred.

When Part only of Annuity transferred, new Certificates to be granted.

XLI. If any Annuitant shall sell and transfer Part only of any Annuity to which he may be entitled, he shall deliver to the Corporation, together with the Deed of Transfer thereof, the Certificate of the Annuity of which he shall so have sold and transferred a Part, and the same shall be thereupon cancelled, and the Corporation shall deliver to the Purchaser of Part of such Annuity a Certificate of Annuity for so much as he shall have so purchased, and to the Annuitant so selling Part of his Annuity a Certificate of Annuity for so much of the original Annuity as shall be retained by him; and for every such Certificate

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Certificate the Corporation may demand any Sum not exceeding Two Shillings and Sixpence.

XLII. The Corporation may close the Register of Transfers of the *Chorley Waterworks Annuities* for a Period not exceeding Fourteen Days before the Twenty-ninth Day of *March* and the Twenty-ninth Day of *September* yearly, and any Transfer made during the Time when the Register is closed shall, as between the Corporation and the Transferee, but not otherwise, be considered as made after that Time.

Closing of
Transfer
Books.

XLIII. If the Interest in any Annuity have become transmitted in consequence of the Death or Bankruptcy or Insolvency of any Annuitant, or in consequence of the Marriage of a Female Annuitant, or by any other lawful Means than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration in Writing as by this Act provided, or in such other Manner as the Corporation shall require, and every such Declaration shall state the Manner in which, and the Party to whom the Annuity is transmitted, and shall be made and signed by some credible Person before a Justice, and such Declaration shall be left with the Corporation, and thereupon they shall enter the Name of the Person entitled under such Transmission in the Register of *Chorley Waterworks Annuitants*; and for every such Entry the Corporation may demand any Sum not exceeding Two Shillings and Sixpence, and until such Transmission has been so authenticated, no Person claiming by virtue of any such Transmission shall be entitled to receive such Annuity.

Transmis-
sion of An-
nuities by
other Means
than Trans-
fer to be
authenti-
cated by a
Declaration.

XLIV. If such Transmission be by virtue of the Marriage of a Female Annuitant the Declaration shall contain a Copy of the Register of such Marriage or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of the Annuity; and if the Transmission be by virtue of any testamentary Instrument, or by Intestacy, the Probate of the Will or the Letters of Administration, or an official Extract therefrom, shall, together with the Declaration, be produced to the Corporation, and upon such Production in either of those Cases the Corporation shall make an Entry of the Declaration in the said Register of Transfers; and for every such Entry the Corporation may demand any Sum not exceeding Two Shillings and Sixpence.

Proof of
Transmis-
sion by Mar-
riage, Will,
&c.

XLV. The Corporation shall not be bound to see to the Execution of any Trusts, whether express, implied, or constructive, to which any Annuity may be subject, and the Receipt of the Party in whose Name any such Annuity shall stand in the Register of *Chorley Waterworks Annuitants*, or if it stands in the Names of more Parties than One, the Receipt of the Parties named in such Register, shall from Time to Time be a sufficient Discharge to the Corporation for any Money payable

Corporation
not bound to
see to the
Execution of
Trusts.

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payable in respect of such Annuity, notwithstanding any Trusts to which such Annuity may then be subject, and whether or not the Corporation have had Notice of such Trusts, and the Corporation shall not be bound to see to the Application of the Money paid upon such Receipt.

Commencement and Payment of Annuities.

XLVI. The Annuities shall be paid at the Office of the Treasurer of the *Liverpool Water Account*, in net Money, clear of all Deductions whatsoever (except Income or Property Tax, or other Tax in the Nature thereof legally chargeable thereon), and shall be so paid by equal half-yearly Payments on the Twenty-ninth Day of *September* and the Twenty-ninth Day of *March* in every Year, the First Payment thereof to the Company to be made on the Twenty-ninth Day of *September* One thousand eight hundred and fifty-six, and the First Payment thereof to the Shareholders to be made on the Twenty-ninth Day of *September* One thousand eight hundred and fifty-eight.

Certificate to be demanded before Annuity recoverable.

XLVII. Provided always, That as regards the Annuities payable to the Shareholders, the Corporation shall not be bound to pay any Annuity until the Party entitled thereto has demanded, as by this Act provided, a Certificate of it: Provided also, that an Annuity in arrear, and not wrongfully withheld by the Corporation, shall not bear Interest as against them.

Annuities how recoverable.

XLVIII. If any Annuity or any Part of an Annuity being payable be not paid on Demand thereof made in Writing by the Company, or by the Annuitant or his Agent, of the Corporation, the Company or the Annuitant may sue for and recover the same from the Corporation, with full Costs of Suit, in any Court of competent Jurisdiction.

Annuities in arrear may be enforced by the Appointment of a Receiver.

XLIX. Subject to the Provisions herein-after contained, it shall be lawful for the Company or for any Annuitant under this Act to enforce the Payment of the Amount due in respect of their or his Annuity by applying for the Appointment of a Receiver in the Manner herein-after provided; but in order to authorize the Appointment of such Receiver the Amount due in respect of such Annuity shall not be less than One hundred Pounds.

Receiver may be appointed if Arrears remain unpaid for the Time prescribed.

L. If within One Month after any Annuity or any Part of an Annuity has become payable, and after Demand thereof in Writing, it be not paid, the Company or the Annuitant, without Prejudice to their or his Right to sue for the Amount in arrear in any Court of competent Jurisdiction, may, if the Debt amount to the Sum of One hundred Pounds alone, or if the Debt does not amount to that Sum, he may, in conjunction with other Annuitants whose Debts, being so in arrear, after Demand as aforesaid shall, together with his, amount to

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to the said Sum, require the Appointment of a Receiver, by an Application to be made as herein-after provided.

LI. Every Application for a Receiver shall be made to Two Justices, and on such Application it shall be lawful for such Justices, by Order in Writing, after hearing the Parties, to appoint some Person to receive the whole or a competent Part of the Rates, Rents, and Assessments liable to the Payment of such Annuities, until the Annuities in arrear and in respect whereof the Receiver is appointed, and all Costs, including the Costs of receiving such Rents, Rates, and Assessments, be fully paid; and upon such Appointment being made, all such Rates, Rents, and Assessments as aforesaid shall be paid to and received by the Person so appointed, who is hereby empowered to give good and sufficient Discharges for the same; and the Money so to be received shall be so much Money received by or to the Use of the Company or of the Annuitant or Annuitants in whose Behalf the Receiver is appointed; and after the Annuities in arrear and Costs shall have been paid the Power of the Receiver shall cease.

Mode of appointing Receiver.

LII. The Corporation may from Time to Time, by Agreement with any Annuitant, redeem all or any of his Annuities; and when any Annuity is so redeemed an Entry of the Redemption thereof shall be made in the Register of *Chorley Waterworks Annuitants*, and thereupon the redeemed Annuity shall be wholly extinguished: Provided always, that the Corporation shall not redeem any Annuity at a higher Rate than that of Twenty-five Pounds for every One Pound Annuity.

Corporation may redeem Annuities.

LIII. For the Purpose of enabling the Corporation to carry the before-mentioned Agreement into effect, it shall be lawful for them from Time to Time (in addition to the Mortgages granted by them for securing the said Sum of Eight thousand Pounds, and which Mortgages are hereby declared valid, and to be Mortgages under this Act,) to grant further Mortgages on the Security of the *Chorley Water Account*, or of the *Liverpool Water Account*, or of either or both of them, for securing the said Sum of Ten thousand Pounds so paid by them to the Company as in this Act mentioned; and in case the Corporation shall at any Time pay off the aforesaid Mortgages, or any of them, except by Means of the Depreciation Fund herein-before mentioned, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time: Provided always, that the total Amount borrowed under this Act at any One Time shall not exceed Eighteen thousand Pounds.

Provision as to Mortgages.

LIV. All the Provisions of the Act of the Ninth and Tenth *Victoria*, Chapter One hundred and twenty-seven (Local and Personal), intituled *An Act for the Improvement of the Sewerage and Drainage of the Borough of Liverpool, and for making further Provisions for the sanitary Regulation of the said Borough*, with regard to any Money
[Local.] O to

Mortgages to be as under Act 9 & 10 Vict. c. cxxvii.

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to be raised and borrowed and charged upon and secured by Mortgage of the Water Rate by that Act authorized, and which are respectively contained in and comprised between the One hundred and eighty-fifth and the One hundred and ninety-sixth Sections of the same Act, both inclusive, shall be held and taken to apply to all Mortgages or Assignments under the Provisions of this Act, as fully as if the same were herein repeated and re-enacted.

Charges may be paid out of Liverpool Water Account.

LV. If the *Chorley* Water Account shall in any Year be found insufficient to defray all the Charges by this Act directed to be defrayed thereout, including the Interest of any Mortgages under this Act, then the Deficiency shall be charged on and shall be paid out of the *Liverpool* Water Account.

Sections 13, 14, 15, 16, 17, and 18. of 9 & 10 Vict. c. cclxxxvii., as to Limitation of Profits, repealed.

LVI. Whereas by Section Thirteen, Fourteen, Fifteen, Sixteen, Seventeen, and Eighteen of "The *Chorley* Waterworks Act, 1846," Provision is made for the Limitation of the Profits of the Company to Ten Pounds *per Centum per Annum* on the Amount paid in respect of each Share in the Undertaking, and for the Reduction of the Amount of the Water Rents in case the Profits of the Company exceed that Rate: And whereas the said Provisions will, on the passing of this Act, become inoperative, and it is expedient that the same should be repealed: Be it enacted, That the Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Sections of the said Act shall from the passing of this Act be repealed.

Charges for Water to be regulated so as not to exceed Expenses incurred.

LVII. The Corporation shall from Time to Time so regulate the Rates, Rents, and Charges to be made for the Supply of Water within the *Chorley* District as that the Amount of such Rates, Rents, and Charges shall be, as near as may be, sufficient for Payment of the Costs of maintaining, managing, and regulating the *Chorley* Waterworks, and for providing the Depreciation Fund to the Extent of Ten Shillings *per Centum* in each Half Year by this Act required to be set apart, and for Payment of the said Annuities, and the Interest on any Sum secured by Mortgage under this Act; and if in any Year the Amount received shall have been more than sufficient for all the Purposes aforesaid, the Corporation shall and they are hereby required to make a proportionate Reduction in the Rents and Charges to be in the next Year made in respect of Water supplied within the said District under and by virtue of the recited Acts and this Act; provided, that nothing in this Act contained shall empower the Corporation to demand or receive any greater Rate, Rent, or Charge for the Supply of Water within the *Chorley* District than the *Chorley* Waterworks Company could have demanded and received if this Act had not been passed.

Abstract of Accounts to be filed with Clerk of Peace;

LVIII. An Abstract of the *Chorley* Water Account shall be annually transmitted by the Treasurer of the *Liverpool* Water Account to the Clerk of the Peace for the County of *Lancaster*, to be by him filed

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filed with the Records of the Court of Quarter Sessions, and it shall be lawful for any Person to inspect such Abstract, and to take Copies thereof or Extracts therefrom, paying to the Clerk of the Peace One Shilling for every such Inspection, and the Sum of Sixpence for every One hundred Words of such Copy or Extract.

LIX. The Clerk of the Peace shall lay such Abstract before the Court of Quarter Sessions which shall be holden next after such Clerk of the Peace shall have received the same; and it shall be lawful for such Court, if it shall think fit, on the Application of any Five Inhabitants of the *Chorley* District supplied with Water by the Corporation, to appoint a competent Accountant to examine, at the Office of the Treasurer of the *Liverpool* Water Account, the said *Chorley* Water Account, and all Vouchers, Papers, and Books relating thereto, which Vouchers, Papers, and Books the said Treasurer is hereby required to produce for the Purpose of such Examination, and such Accountant shall report to the said Court of Quarter Sessions the Result of such Examination; and it shall be lawful for such Court to make an Order upon the Treasurer of the *Liverpool* Water Account for the Payment of such Sum by way of Remuneration to the Accountant as the Court shall think fit.

and to be laid before the next Court of Quarter Sessions.

LX. It shall be lawful for the said Court of Quarter Sessions to examine such Accountant upon Oath, and also any other Witnesses, touching the Truth of the said Report and Accounts, and if it shall appear to the said Court, from such Report and Examination, that the Receipts for Water in and for the Year comprised in such Account, have been more than sufficient to defray the Charges to which the *Chorley* Water Account is by this Act made liable, it shall be lawful for such Court to make an Order upon the Corporation to make a Reduction in the Rates, Rents, and Charges for Water, or any of them, for the then next Year, as to the Court shall seem reasonable, so that the same shall be sufficient to produce a Sum as near as may be equal to but not less than the Amount required to defray such Charges as aforesaid: Provided always, that no Reduction in the Rates, Rents, or Charges for Water shall be made as directed by this Act until all Moneys paid out of the *Liverpool* Water Account under this Act shall have been fully repaid and reimbursed to that Account.

In certain Events Court of Quarter Sessions may order a Reduction in Charges.

LXI. All the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Corporation, and shall be apportioned by the Council of the Borough of *Liverpool* between the *Liverpool* Water Account and the *Chorley* Water Account in the Proportion of Two Thirds to the former Account and One Third to the latter Account.

Expenses of Act.

The

